

## REMARKS/ARGUMENTS

### General

Claims 1 – 15 and 31- 33 are present in the application. Claims 16 - 30 have been cancelled; Applicant reserves the right to prosecute these claims and claims similar thereto in a continuing application.

### The Withdrawn Claims

Claims 3, 7, 9 –13, 15, 21, 23 and 29 stand withdrawn has having been directed to non-elected species. It is believed that, through oversight, the Examiner failed to indicate that claims 3, 7, 9 – 13 and 15 are no longer withdrawn. Specifically, M. P. E. P. Section 809.02(c) states:

“B) When a generic claim is subsequently found to be allowable, and not more than a reasonable number of additional species are claimed, treatment shall be as follows:

(1) When all claims to each of the additional species are embraced by an allowable generic claim as provided by 37 CFR 1.141, applicant must be advised of the allowable generic claim and that claims drawn to the nonelected species are no longer withdrawn since they are fully embraced by the allowed generic claim.”

Thus, when claim 1 (which is generic to the species described in claims 3, 7, 9 – 13 and 15) was allowed, Applicant should have been advised that claims 3, 7, 9 – 13 and 15 were no longer withdrawn. Accordingly, it is requested that these claims be re-instated.

### CONCLUSION

The only claims remaining in the application are allowed claims 1, 2, 4 - 6, 8, 14 and 31 – 33, and allowable previously withdrawn claims 3, 7, 9 – 13 and 15. Accordingly, it is submitted that this application, with

claims 1 - 15 and 31 - 33, is in condition for allowance. Early action to that effect is earnestly solicited. If the Examiner believes that there are still outstanding issues in this application, the Examiner is respectfully requested to contact Applicant's undersigned attorney as soon as possible, at any event prior to April 16, 2004.

Respectfully submitted,



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